



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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November 30, 2021

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

The Honorable George B. Daniels
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *John Does 1 Through 7 v. The Taliban et al.*
No. 20 Misc. 740 (KPF);
In re Terrorist Attacks on September 11, 2001
No. 03 Md. 1570 (GBD) (SN);
Havlish et al. v. Bin-Laden et al.
No. 03 Civ. 9848 (GBD) (SN)—Participation of the
United States Pursuant to 28 U.S.C. § 517

Dear Judge Failla, Judge Daniels, and Judge Netburn:

The United States of America (the “United States” or the “Government”) writes respectfully to request additional time to file a Statement of Interest regarding the writs of execution served by the plaintiffs in the above-referenced cases on certain accounts at the Federal Reserve Bank of New York (“FRBNY”) held by Da Afghanistan Bank (“DAB”). The Government’s Statement is currently due on December 3, 2021. *See Doe v. The Taliban*, No. 20 Misc. 740 (KPF) (ECF No. 32); *Havlish v. Bin-Laden*, No. 03 Civ. 9848

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(GBD) (SN) (ECF No. 533). The Government requests that it be permitted until January 28, 2022, to file its Statement in these cases. The Government has not previously sought to extend the current December 3 deadline. The undersigned counsel has conferred with counsel for the *Doe* and *Havlish* plaintiffs, who indicated that they do not consent to the requested extension; but for the reasons described below, the Government respectfully submits that the additional time is necessary.

Since learning of the plaintiffs' writs, the Government has been actively considering the complex issues relating to the status and attachability of the DAB assets subject to the writs. This consideration involves consultation among numerous Government agencies and senior officials. The Government requires additional time to complete this consultation and review process, prepare a submission, and obtain necessary approvals within the involved agencies and the Department of Justice. In addition, the Government is analyzing the issues raised by the Court in its recent order in *Faulkner v. Bin Laden et al.*, No. 09 Civ. 7055 (GBD) (SN) (ECF No. 208), including the relationship of those issues, if any, to the Government's Statement in the *Doe* and *Havlish* matters.

The Government submits that the additional time requested will not prejudice the plaintiffs in these matters, given that the DAB accounts at FRBNY are currently subject to and restrained by the plaintiffs' writs. Indeed, the Court recently granted the *Doe* plaintiffs' request to extend their writ until further order of the Court. *See Doe*, No. 20 Misc. 740 (KPF) (ECF No. 41).

The United States appreciates the Court's consideration of this letter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Rebecca S. Tinio

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cc: All counsel of record (via ECF)